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February 9, 2017

VIA ELECTRONIC AND U.S. MAIL

Ms. Caroline Kwan
Remedial Project Manager
Special Projects Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Re: Progress Report No. 67 – January 2017
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report (MPR) for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Newtown Creek Group (NCG) Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by NCG Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

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1. Actions Taken to Comply with Settlement Agreement during Previous Month

- A teleconference call to discuss FS biota tissue sampling was held with USEPA on January 5. On January 18, USEPA via e-mail requested additional information regarding the proposed FS sampling program USEPA needed to consider the NCG request to defer the sampling to 2018. On January 25, the NCG provided USEPA with the requested information.
- A request for additional clarification and information regarding the groundwater modeling presented in the draft RI Report was provided via e-mail by USEPA on January 6.
- A meeting to discuss the items contained in the NCG's December 22, 2016 Baseline Ecological Risk Assessment (BERA) Dispute Resolution letter was held with USEPA on January 11. On January 12, USEPA issued via e-mail notes and action items arising from the meeting. On January 20, the NCG submitted via e-mail follow-up information pertaining to the selection of wildlife toxicity reference values and tissue effects thresholds. On January 20, USEPA provided via e-mail direction that white perch tissue data do not need to be included as a quantitative line of evidence in the BERA but that white perch fillet data be included in a qualitative comparison that includes the striped bass fillet data. Also, on January 20, USEPA extended the BERA Dispute Resolution period to February 23. A follow-up Dispute Resolution teleconference call is scheduled for February 15.
- A teleconference call to discuss USEPA comments on the draft Modeling Approach Memorandum (3) was held with USEPA on January 19.
- Discussion materials for the February 2 FS Shoreline Erosion and Ebullition teleconference call were submitted via e-mail to USEPA on January 19.
- A revised RI/FS project schedule was submitted via e-mail to USEPA on January 19.
- A project update meeting was held with USEPA in New York City on January 26. Relevant topics discussed during this meeting included the following: 1) RI/FS project Gantt chart; 2) FS biota tissue sampling; and 3) BERA technical (non-dispute) issues. Also, one-on-one meetings between USEPA and individual Respondents were held to discuss information pertaining to each individual Respondent's uplands sites.

2. Results of Sampling and Tests and Other Data Received by NCG Respondents during Previous Month

- None.

3. Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them

- The NCG has repeatedly requested information from the City of New York that is needed to complete the RI/FS. For example, the NCG requested information regarding groundwater infiltration into sewers in February 2015, and the City of New York indicated this information would be provided in February 2016, but nothing has been provided. In an e-mail dated November 1, USEPA indicated it will wait until after completing its review of the draft RI Report to determine whether the requested information is needed to complete the RI/FS.

4. Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion

- Teleconference calls to discuss FS sampling are currently scheduled as follows:
 - Shoreline erosion and ebullition sampling on February 2 (presentation submitted to USEPA on January 19)
 - Geotechnical/other sampling on February 16 (presentation due to USEPA on February 2)
- Teleconference calls to discuss BERA-related technical issues are currently scheduled for February 9 (non-dispute issues) and February 15 (dispute issues).
- A revised BERA report is due to USEPA after the completion of the Dispute Resolution process. The date this document is due to USEPA will be determined by USEPA and included in its Dispute Resolution Determination Letter that will be issued by February 23.
- A project update meeting is scheduled with USEPA for March 2.

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: jquadrini@anchorqea.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Quadrini", with a stylized flourish at the end.

Jim Quadrini, P.E., BCEE

Anchor QEA, LLC

cc: Michael Mintzer, USEPA Region 2 Assistant Regional Counsel
Ian Beilby, NYSDEC, Division of Environmental Remediation
W. David Bridgers, Common Counsel for Newtown Creek Group Respondents
Edward Leonard, CDM Smith